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**FILED**  
DISTRICT COURT OF GUAM

JAN 23 2007

MARY L.M. MORAN  
CLERK OF COURT

DISTRICT COURT OF GUAM  
TERRITORY OF GUAM

In the matter of  
GUIDELINES AND PLAN FOR  
ADMINISTRATION OF  
NON-APPROPRIATED ATTORNEY  
ADMISSION FEE FUNDS.

GENERAL ORDER NO. 07- 0002

I. GENERAL

a. Attorneys admitted to practice in the District Court of Guam under the conditions prescribed in General Rule 17.1(b) of the Local Rules of Practice for the District Court of Guam are required to pay to the Clerk an admission fee of \$250.00. \$150 of the fee will be deposited in the Treasury of the United States as required by 28 U.S.C. 751(e), and \$100 will be deposited in a local bank account in the name of the District Court of Guam Non-Appropriated Attorney Admission Fee Fund to be administered as provided herein.

b. Non-resident attorneys who are admitted to practice in the District Court of Guam for limited purposes as prescribed in Rule 17.1(d) of the Local Rules of Practice for the District Court of Guam are required to pay a fee of \$250.00 to the Clerk, which will be deposited in the account established for the District Court

1 of Guam Non-Appropriated Attorney Admission Fee Fund.

2 II. POLICIES, RESPONSIBILITIES, & PROCEDURES

3 a. Funds derived from attorney admission fees, that are in  
4 excess of those required to be deposited in the Treasury of the  
5 United States, are non-appropriated funds and are not property of  
6 the United States.

7 b. The Clerk of the District Court of Guam is designated as  
8 Custodian of the Non-Appropriated Attorney Admission Fee Fund.

9 c. The Custodian shall cause the Fund to be audited on at  
10 least an annual basis, and at such other times as deemed necessary  
11 or as directed by the Advisory Committee or the Court, and will  
12 provide an annual report to the Court on the status, balance, and  
13 utilization of the Fund.

14 d. The Custodian will be responsible for the following:

15 (1) Receiving, safeguarding, depositing, distributing,  
16 and accounting for all funds in accordance with this Plan or  
17 as directed by the Advisory Committee. All disbursements  
18 shall require the signature of the Custodian and will be  
19 countersigned by a member of the Advisory Committee.

20 (2) Establishing a checking and deposit account in a  
21 local bank.

22 (3) Securing a bond, to be paid for from assets of the  
23 Fund.

24 (4) Establishing and maintaining an accounting system  
25 that provides the records necessary for audit trail and  
26 recordation of all funds and disbursements.

27 (5) Preparing periodic financial statements and  
28 operating reports as required, and certifying that the

1 statements and reports accurately reflect the financial  
2 condition of the Fund.

3 (6) Upon recommendation and advice of the Advisory  
4 Committee, investing funds in excess of immediate needs in  
5 appropriate interest-bearing accounts.

6 (7) Perform such other duties as the Court may direct.

7 III. RESPONSIBILITIES UPON APPOINTMENT OF A SUCCESSOR CUSTODIAN

8 a. When a successor Custodian is appointed, the outgoing  
9 Custodian will prepare and sign the following statements in  
10 conjunction with an exit audit conducted by an auditor or  
11 disinterested person designated by the Chief Judge:

12 (1) A statement of assets and liabilities.

13 (2) A statement of operation or of receipts and  
14 disbursements since the period covered by the last statement  
15 of operation prepared by the Court.

16 (3) A statement of the balance in any fund account as  
17 of the date of transfer to the successor Custodian.

18 b. The successor Custodian will execute a receipt for all  
19 funds after being satisfied as to the accuracy of the statements  
20 and records provided by the outgoing Custodian.

21 IV. ADVISORY COMMITTEE

22 An Advisory Committee, to be appointed by the Court, for the  
23 purpose of advising the Court and the Custodian on matters of  
24 policy in the administration of the Fund will be composed as  
25 follows:

26 Chief Judge  
27 Magistrate Judge  
28 Clerk of Court  
Chief Deputy Clerk  
Law Clerk to the Chief Judge

1       The Fund is subject to audits by the Administrative Office of  
2 the United States Courts. The Court may appoint an outside auditor  
3 to conduct such audits as the Court determines may be necessary or  
4 appropriate.

5       a. All receipts should be deposited only in federally  
6 insured banks or savings institutions and whenever practical and  
7 feasible, all substantial sums shall be placed in secured interest-  
8 bearing accounts. Efforts shall be made to maximize the return on  
9 investments consistent with the requirements of convenience and  
10 safety and with the approval of the Advisory Committee.

11       Funds held by the Custodian must be segregated from all other  
12 monies in the custody of the Court, including other non-  
13 appropriated funds.

14       b. Attorney admission fees collected by the Clerk which are  
15 in excess of the amount prescribed by the Judicial Conference and  
16 deposited to the Treasury of the United States, constitute non-  
17 appropriated funds and shall not be used for purposes which do not  
18 inure to the benefit of the members of the bench and Bar in the  
19 administration of justice.

20       c. Non-appropriated funds will not be used to pay for  
21 material or supplies available from statutory appropriations.  
22 Under no circumstances should the Fund be used to supplement the  
23 salary of any court officer or employee.

24       d. The following are examples of proper use of the fund but  
25 are not intended to be all inclusive.

26               (1) Attorney admission proceedings (including expenses  
27 of admissions committee and admissions ceremonies);

28               (2) Expenses related to attorney discipline enforcement

1 and proceedings (including expenses of investigating counsel  
2 for disciplinary enforcement, travel expenses, and witness  
3 fees in disciplinary proceedings);

4 (3) Periodicals and publications for court library for  
5 which appropriated funds are not available;

6 (4) Equipment and materials to assist attorneys in the  
7 courtroom;

8 (5) Computerization of library catalog;

9 (6) Lawyer lounge and other courthouse facilities  
10 benefiting the bar;

11 (7) Expenses for printing of court rules, manuals on  
12 practice and procedure, and other documents related to court  
13 operations given to attorneys upon admission to the bar;

14 (8) Court projects and programs that interest or  
15 benefit the bar or which enhance the quality of advocacy in  
16 the court;

17 (9) Expenses of the collection and preservation of  
18 court records of historical value;

19 (10) Costs of special projects or acquisitions to  
20 further the administration of justice in the court;

21 (11) Continuing legal education programs (including  
22 equipment and materials);

23 (12) Law Day Program expenses;

24 (13) Expenditures for the comfort and convenience of  
25 jurors for items that cannot be purchased with appropriated  
26 funds;

27 (14) Surety bond for the Custodian of the Fund (bond may  
28 only cover monies in the Fund);

1 (15) Fees for services rendered by outside auditors in  
2 auditing the Fund;

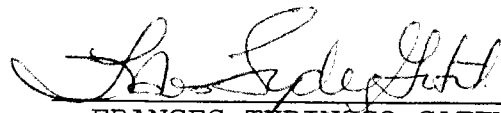
3 (16) Reimbursement of out-of-pocket expenses necessarily  
4 incurred by court-appointed attorneys representing indigents  
5 in civil cases not covered by the Criminal Justice Act.  
6 Reimbursement will be limited to no more than \$200 per case in  
7 the discretion of the trial judge and will be payable at the  
8 conclusion of the case.

9 e. The Fund may be used as a revolving account to pay for  
10 expenses for which the Fund will be entirely reimbursed.

11 V. DISSOLUTION OF THE FUND

12 The Court may dissolve the Fund or any portion thereof  
13 whenever considered appropriate. Care shall be taken to ensure  
14 that all outstanding obligations are liquidated prior to  
15 dissolution of the Fund, including any expense resulting from the  
16 required terminal audit or inspection. In addition, efforts shall  
17 be made to dispose of the assets of the Fund in ways which fulfill  
18 the purposes of the Fund.

19 SO ORDERED this 23<sup>rd</sup> day of January, 2007.

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22 FRANCES TYDINGCO-GATEWOOD  
23 Chief Judge  
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